

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-367
Table of Allotments,)	RM-11070
FM Broadcast Stations.)	
(Security and Genoa, Colorado))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 5, 2005**Released: January 10, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued at the request of Optima Communications, Inc. ("Petitioner"), licensee of Station KSKX, Security, Colorado, requesting the substitution of Channel 288C2 for Channel 288C3 at Security, Colorado, and the modification of Station KSKX's license to reflect the changes. To accommodate Station KSKX's upgrade, Petitioner also requested the substitution of Channel 291C3 for vacant Channel 288C3 at Genoa, Colorado. Additionally, Petitioner proposed site changes for the two channel substitutions. Petitioner filed comments, stating its continuing interest in pursuing the allotment, and its intention to apply for a construction permit. No other comments or counterproposals were received.

2. We believe that the proposed channel substitutions will serve the public interest because they will enable Station KSKX to expand its coverage area at Security, Colorado. An engineering analysis has determined that the upgrade of Station KSKX to Channel 288C2 would result in an increase in the population and area it serves from 512,812 persons over 4,803 square kilometers to 685,950 persons over 8,560 square kilometers, for an increase of 173,138 persons and 3,757 square kilometers. Channel 288C2 can be allotted to Security, Colorado in compliance with the minimum distance separation requirements of the Commission's rules with a site restriction of 16.2 kilometers (10 miles) southwest of the community at 38-37-30 North Latitude and 104-49-00 West Longitude. As requested, we will modify the license of Station KSKX to specify operation on Channel 288C2. Additionally, we will substitute Channel 291C3 for vacant Channel 288C3 at Genoa with a site restriction of 18.4 kilometers (11.4 miles) east of the community at coordinates 39-15-35 North Latitude and 103-17-15 West Longitude. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

3. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective February 25, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

¹Security and Genoa, Colorado, 19 FCC Rcd 18558 (MB 2004).

<u>Community</u>	<u>Channel No.</u>
Security, Colorado	288C2
Genoa, Colorado	291C3

4. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Station KSKX(FM), Security, Colorado, IS MODIFIED to specify operation on Channel 288C2, subject to the following conditions:

- (a) within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit on Form 301, specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

5. Pursuant to 47 C.F.R. Sections 1.1104 (1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/ or upgrade. As a result of this proceeding, Optima Communications, Inc., licensee of Station KSKX(FM), is required to submit a rule making fee in addition to the fee required for the application for the upgrade at Security, Colorado.

6. The window period for filing applications for Channel 291C3 at Genoa, Colorado will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDER, That the Secretary shall send a copy of this Report and Order by Certified mail, Return Receipt Requested, to the following:

Optima Communications, Inc.
c/o Mark N. Lipp, Esq.
Vinson & Elkins, L.L.P.
The Willard Office Building
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau